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**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION**

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Karen E. Schreier United States District Judge Presiding

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Courtroom Deputy - MWT  
Courtroom - SF #2

Court Reporter – Jill Connelly  
Date – May 24, 2016

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4:11-CV-4121

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ARGUS LEADER MEDIA, d/b/a  
Argus Leader,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF  
AGRICULTURE,

Defendant.

Jon E. Arneson

Stephanie C. Bengford  
David Gaston  
Chu-Yuan Hwang

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TIME HEARING SCHEDULED TO BEGIN: 9:00 AM

TIME:

9:00 AM      Enter court trial before the Hon. Karen E. Schreier, United States District Judge, Sioux Falls, SD. Counsel stated their appearances for the record.

Judge questioned Mr. Gaston and Ms. Chu-Yuan Hwang

Ms. Bengford moved the Court for admission of Mr. Gaston and Ms. Yuan Hwang.

Judge granted the motion and ordered that a written motion be filed.

Mr. Arneson addressed Exhibit 204.

The Court ruled Exhibit 204 not received

The Government called **Shelly Pierce** as a witness.

Witness was affirmed.

Ms. Hwang conducted direct examination.

Ms. Hwang offered Exhibit 201-A

Exhibit 201-A was received  
Mr. Arneson conducted cross-examination.  
Mr. Arneson offered Exhibit 97.  
Exhibit 97 was refused.  
The Court questioned the witness.  
Ms. Hwang redirect  
Mr. Arneson recross examination

The Government called **Daniel Cline** as a witness.

Witness was affirmed.  
Mr. Gatson conducted direct examination.  
Mr. Gatson offered Exhibit 204.  
Exhibit 204 was received.

10:25 AM Court was in Recess

10:40 AM Court was in session.  
Mr. Arneson conducted cross examination of **Mr. Cline**.  
The witness was excused.

The Government called **Andrea Gold** as a witness.

Witness was affirmed.  
Ms. Hwang conducted direct examination.  
Mr. Arneson conducted cross examination.  
Mr. Arneson offered Exhibits 1 and 12.  
Exhibits 1 and 12 were received.  
Mr. Arneson offered Exhibit 39.  
Exhibit 39 was refused.

12:15 PM Court was in recess.

1:14 PM Court was in session  
Mr. Arneson resumed cross examination of **Ms. Gold**.  
Mr. Arneson offered Exhibit 47.  
Exhibit 47 was refused.  
Mr. Arneson offered Exhibit 32.  
Exhibit 32 was received.  
Mr. Arneson offered Exhibits, 56, 58, 60, 61, 62, 64, 65, 67, and 68.  
Exhibits, 56, 58, 60, 61, 62, 64, 65, 67, and 68 were received.  
The Court questioned he witness.  
Ms. Hwang redirect examination.  
Mr. Arneson recross examination.

The Government called **Joey Hays** as a witness.

Witness was affirmed.

Ms. Bengford conducted direct examination.

Mr. Arneson conducted cross examination of **Mr. Hays**.

Ms. Bengford redirect examination.

Mr. Arneson recross examination.

The witness was excused.

3:24 PM Court was in recess.

3:40 PM Court was in session.

The Government called **Andrew Johnstone** as a witness.

William Clayton advised the court of his presence.

Witness was affirmed.

Ms. Bengford conducted direct examination.

Mr. Arneson conducted cross examination.

The witness was excused.

The Government called **Peter Larkin** as a witness.

Witness was affirmed.

Ms. Bengford conducted direct examination.

The Court addressed Counsel regarding witness scheduling.

5:20 PM Court was in recess.

### **May 25, 2016**

8:59 AM Enter court trial before the Hon. Karen E. Schreier, United States District Judge, Sioux Falls, SD.

Judge Schreier reminded **Mr. Peter Larkin** that he was under oath to tell the truth

Mr. Arneson conducted cross examination of **Mr. Peter Larkin**.

Ms. Bengford redirect examination

Mr. Arneson recross examination

Judge Schreier questioned Mr. Larkin.

Mr. Arneson follow-up.

Ms. Bengford follow-up.

The Government called **David Siebert** as a witness.

Witness was affirmed.

Ms. Bengford conducted direct examination.

Mr. Arneson conducted cross examination.

The witness was excused.

The Government called **Mary Gwen Forman** as a witness.

Witness was affirmed.

Ms. Bengford conducted direct examination.

Mr. Arneson conducted cross examination.

The witness was excused.

10:27 AM Court was in recess.

10:44 AM Court was in session.

Mr. Arneson conducted cross examination of **Ms. Forman**.

The courtroom was cleared of spectators.

Ms. Bengford conducted direct examination of **Ms. Forman** as a rebuttal witness.

Mr. Arneson conducted cross examination

The witness was excused.

The courtroom was reopened.

The Defendant rests.

Judge Schreier recalled and questioned **Andrea Gold**.

Ms. Hwang questioned Ms. Gold.

Ms. Gold was excused.

11:41 AM Court was in recess.

12:56 PM Court was in session.

The Plaintiff called **Dr. Richard Volpe** as a witness.

Witness was affirmed.

Mr. Arneson conducted direct examination.

Ms. Bengford conducted cross examination.

Mr. Arneson redirect examination,

The witness was excused.

The Plaintiff called **Dr. Ryan Sougstad** as a witness.

Mr. Arneson conducted direct examination.

Ms. Hwang conducted cross examination.

The Plaintiff rests

The Government called **Bruce Kondrackie** as a witness.

Witness was affirmed.

Ms. Bengford conducted direct examination.

Mr. Arneson conducted cross examination.

The witness was excused.

2:55 PM Court was in recess.

3:13 PM Court was in session

Mr. Gaston provided closing argument.

Mr. Arneson provided closing argument.

Mr. Gaston addressed the Court.

Government to submit brief in 21 days, Plaintiff shall have 21 days to respond, 5 days for reply brief.

4:18 PM Court was in recess.